

**November 10, 2016**

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, November 10, 2016, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

There were present:

Mayor Rebecca L. Noah Casper  
Councilmember David M. Smith  
Councilmember Thomas Hally  
Councilmember John B. Radford  
Councilmember Michelle Ziel-Dingman  
Councilmember Barbara Ehardt  
Councilmember Ed Marohn

Also present:

Randy Fife, City Attorney  
Kathy Hampton, City Clerk  
All available Department Directors

Mayor Casper invited Ryan Leavitt, a seventh-grade student at Eagle Rock Middle School and Boy Scout Troop #323, to come forward and lead those present in the Pledge of Allegiance.

Mayor Casper requested any public comment not related to items on the agenda.

Russell Leavitt, Idaho Falls, appeared. Mr. Leavitt expressed his concern for the crosswalk on Skyline Drive and Beverly Road as several children use the crosswalk to get to Temple View Elementary School. He believes the crosswalk is not fully visible and may be unsafe.

Greg Gerber, Idaho Falls, appeared. Mr. Gerber requested status of work on the Green Belt as it has not been completed and he believes the work is overdue.

**Consent Agenda Items:**

Office of the Mayor requested Arnold Cantu to the Planning and Zoning Commission.

Municipal Services requested approval of Bonneville County Magistrate Court Invoice.

The City Clerk requested approval of minutes from the October 24, 2016 Council Work Session; October 25, 2016 Joint Meeting with Bonneville County Elected Officials; and October 27, 2016 Council Meeting.

The City Clerk requested approval of license applications, including a Beer License to Westbank Restaurant and Lounge, all carrying the required approvals.

It was moved by Councilmember Marohn, seconded by Councilmember Dingman, to approve all items on the Consent Agenda according to the recommendations presented. Roll call as follows: Aye – Councilmembers Hally, Marohn, Radford, Dingman, Smith, Ehardt. Nay – none. Motion carried.

**Regular Agenda Items:**

**Municipal Services**

**Subject: Bid IF-17-03, Automated Side Load Refuse Trucks**

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It is the recommendation of the Public Works and Municipal Services Departments to reject the low bid for not meeting bid specifications, and to accept the lowest responsive, responsible bid from Idaho Falls Peterbilt to furnish two (2) automated side load refuse trucks for a lump sum amount of \$509,780.00 with trade-in of two (2) units.

Councilmember Marohn reviewed the reasons for the bid rejection. He stated funding to purchase these side loaders is budgeted in the 2016/17 Municipal Equipment Replacement Fund (MERF).

It was moved by Councilmember Marohn, seconded by Councilmember Hally, to reject the low bid, and to accept the lowest responsive, responsible bid from Idaho Falls Peterbilt to furnish two (2) automated side load refuse trucks for a lump sum amount of \$509,780.00. Roll call as follows: Aye – Councilmembers Ehardt, Radford, Smith, Marohn, Dingman, Hally. Nay – none. Motion carried.

**Subject: Bid IF-17-C, Idaho Falls Power Console for Dispatch Control Room**

It is the recommendation of Idaho Falls Power and the Municipal Services Department to piggyback the General Services Administration Contract #GS-28F-0036M with Evans Consoles to furnish and install the required consoles for the dispatch control room at Idaho Falls Power, in the amount of \$60,343.55.

Councilmember Marohn stated the funding for this project is included in the Idaho Falls Power budget.

It was moved by Councilmember Marohn, seconded by Councilmember Smith, to piggyback the General Services Administration Contract #GS-28F-0036M with Evans Consoles to furnish and install the required consoles for the dispatch control room at Idaho Falls Power, in the amount of \$60,343.55. Roll call as follows: Aye – Councilmembers Radford, Ehardt, Hally, Smith, Marohn, Dingman. Nay – none. Motion carried.

**Subject: Write-off of Unpaid Ambulance Service Accounts**

Municipal Services and the Fire Department respectfully request authorization to write-off ambulance service accounts determined as uncollectible for the calendar years of 2009, 2010, 2011, 2012 and a portion of 2013 in the amount of \$1,302,221.43 pursuant to the ambulance account review and management presentation to City Council on October 24, 2016.

Councilmember Marohn stated Medicare and Medicaid contractual allowable write-offs, along with other accounts, have been determined to be uncollectible by the City's collection agencies. He indicated it is necessary for the audit function to remove this amount as non-collectable revenue. This write-off is not impacting the budget.

Municipal Services Director Pamela Alexander stated all measures to collect on these accounts have been completely exhausted. She indicated the newly-formed Ambulance Account Review Committee will assist with moving forward to prevent a similar occurrence. Accounts will be updated on an annual basis.

It was moved by Councilmember Marohn, seconded by Councilmember Smith, to write-off ambulance service accounts determined as uncollectible for the calendar years of 2009, 2010, 2011, 2012 and a portion of 2013 in the amount of \$1,302,221.43. Roll call as follows: Aye – Councilmembers Marohn, Dingman, Ehardt, Hally, Radford, Smith. Nay – none. Motion carried.

**Subject: Civic Auditorium Use Agreement**

Municipal Services respectfully requests authorization to approve the Civic Auditorium Use Agreement between the City of Idaho Falls and Idaho Falls School District 91.

Councilmember Marohn stated an agreement has not been in place since 1993. He reviewed additional terms of the agreement and stated the School District Board reviewed and approved the document on October 12, 2016.

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Councilmember Smith stated this item was recommended by the Municipal Services Citizen Review Committee. Councilmember Marohn stated a Civic Auditorium Committee has been established for recommendations of better use of the facility.

It was moved by Councilmember Marohn, seconded by Councilmember Smith, to approve the Civic Auditorium Use Agreement between the City of Idaho Falls and Idaho Falls School District 91. Roll call as follows: Aye – Councilmembers Ehardt, Marohn, Hally, Radford, Smith, Dingman. Nay – none. Motion carried.

**Public Works**

**Subject: Corrected Easement Vacation – Lot 13, Block 1, Freeway Commercial Plaza**

On October 27, 2016 the City Council passed Ordinance No. 3097 to vacate the subject utility easement on Lot 13, Block 1, Freeway Commercial Center Div. 3 as recorded in Instrument #1489425. Section 1 of Ordinance 3097 inadvertently referred to the easement as being part of “Milligan Commercial Plaza” instead of “Freeway Commercial Center Div. 3”.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to approve the revised Easement Vacation Ordinance prepared by the City Attorney under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Dingman, Radford, Marohn, Smith, Hally, Ehardt. Nay – none. Motion carried.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

**ORDINANCE NO. 3100**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE VACATION OF AN EASEMENT LOCATED WITHIN THE CITY OF IDAHO FALLS AND LEGALLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID VACATED EASEMENT SHALL VEST AS SPECIFIED IN SECTION 3 OF THIS ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

**Subject: Request to Negotiate Professional Services with Six Mile Engineering to design 17<sup>th</sup> Street and Woodruff Avenue Intersection Improvements**

Proposals were solicited, received, and evaluated for design services for the 17<sup>th</sup> Street and Woodruff Avenue Intersection Reconstruction. Based upon those evaluations, Public Works recommends selecting Six Mile Engineering to perform design services, and is requesting authorization to negotiate a scope of work and fee structure.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to authorize Public Works to negotiate a scope of work and fee structure with Six Mile Engineering for the 17<sup>th</sup> Street and Woodruff Avenue Intersection Reconstruction. Roll call as follows: Aye – Councilmembers Radford, Ehardt, Smith, Marohn, Dingman, Hally. Nay – none. Motion carried.

**Community Development Services**

**Subject: Code Change and Resolution for Electric Line Extension Fee Waiver**

For consideration is a Resolution and proposed code change to Sections 8-5-28, 8-5-30 and 8-5-31 addressing Electric Line Extension Fee waivers within the City.

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Mayor Casper, through advice from the City Attorney, indicated due to the resolution being dependent on passage of the ordinance, the order of Recommended Actions as listed on the agenda needs to be reversed.

Councilmember Dingman stated this subject item has been thoroughly discussed with Council and is intended to encourage ways to create development that does not require utility rate payers to subsidize power infrastructure. The revised ordinance will allow Council to set transfer charge fees from time to time in coordination with the resolution and will allow implementation of waivers for development or redevelopment.

It was moved by Councilmember Dingman, seconded by Councilmember Marohn, to approve the Ordinance amending Title 8, Chapter 5, for Electric Extension Fee Waivers, under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Smith, Hally, Radford, Dingman, Ehardt, Marohn. Nay – none. Motion carried.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

**ORDINANCE NO. 3101**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 8, CHAPTER 5 TO ESTABLISH A FEE TO TRANSFER FROM AN ELECTRIC SUPPLIER TO IDAHO FALLS POWER; AND ESTABLISHING AREAS ELIGIBLE FOR CONSIDERATION OF WAIVER OR ADJUSTMENT OF FEES IN TITLE 8, CHAPTER 5 (OTHER THAN METERING FEES); PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Councilmember Dingman stated the resolution is a more effective way to manage infrastructure and growth. The resolution identifies specific geographical areas for potential waiver of fees, including urban renewal and infill areas. Staff will review this resolution on an annual basis as the City grows.

It was moved by Councilmember Dingman, seconded by Councilmember Marohn, to approve the Resolution for Electric Line Extension Fee Waivers within the City, and give authorization for the Mayor and City Clerk to execute the necessary document. Roll call as follows: Aye – Councilmembers Hally, Smith, Dingman, Ehardt, Marohn, Radford. Nay – none. Motion carried.

**Subject: Public Hearing – Planned Unit Development and Reasoned Statement of Relevant Criteria and Standards, Linden Trails Townhomes**

For consideration is the application for Planned Unit Development (PUD) and Reasoned Statement of Relevant Criteria and Standards, Linden Trails Townhomes. The Planning and Zoning Commission considered this application at its July 19, 2016 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Mayor Casper opened the public hearing and ordered all staff presentation and materials be entered into the record.

Community Development Services Assistant Director Kerry Beutler stated a letter had very recently been received in the Mayor's office. He distributed the letter to Council for review and for inclusion into the record. He stated a PUD is designed to provide flexibility to applicant with development. He then presented the following information:

Slide 1- Area under consideration in current surrounding zoning areas

Slide 2- Aerial photo of property under consideration

Slide 3- Additional aerial photo of property under consideration

Slide 4- Development plan for the PUD

Assistant Director Beutler stated the development plan includes 172 residential units consisting of 43 individual townhome-type developments. He reviewed the applicant requirements and amenities stating three (3) small parks

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and one (1) larger park (green areas) are included in the development plan. He indicated the applicant is exceeding the minimum parking requirements. He stated the PUD has proposed a 10'-wide pathway for the connection of the pathway system from the north to Pancheri Drive.

Slide 5-Phasing Plan

Assistant Director Beutler stated the PUD will be completed in six (6) different phases with a schedule and amenities required for each phase. A traffic study has been completed which did not find any requirements for off-site improvements.

Slide 6- Watercolor sketch submitted by the applicant

Slide 7- Elevations of other similar developments (within Idaho Falls) submitted by the applicant

Slide 8- Additional elevations of similar developments within Idaho Falls

Slide 9- Photo looking at existing Pancheri Drive Right-of-Way

Slide 10- Photo looking north across the property

Assistant Director Beutler stated areas identified for variance were submitted and indicated the setbacks on each lot are not being met as each lot will be platted separately for possible individual ownership, although the perimeter setback requirements are being met for the entire development.

Assistant Director Beutler stated the Comprehensive Plan for this area is low density, general single-family residential. He indicated there are no concerns for providing utility services and also indicated the current streets were designed for development into property.

Blake Jolley, Connect Engineering, appeared. Mr. Jolly stated his client is attempting to utilize as much of the property as possible without making it too dense and unattractive. He indicated the additional parking spaces are to alleviate on-street parking. He stated his client will continue to work with the City Engineering Department to ensure Pancheri Drive remains safe.

Jake Roberts, Idaho Falls, appeared. Mr. Roberts requested information regarding utility services and traffic.

Betsy Hanks, Idaho Falls, appeared. Ms. Hanks requested information regarding landscaping on Pancheri Drive and expressed her concern for the additional traffic.

At the request of Councilmember Ehardt, Assistant Director Beutler stated the proposed buffer zone along Pancheri Drive meets the sub-division ordinance standards. He believes traffic will be similar to other neighborhoods.

Mayor Casper closed the public hearing.

Councilmember Dingman stated the Home Owners Association (HOA) will maintain the green areas/common lots which will be available for the community at large. She expressed her appreciation to City staff.

Councilmember Ehardt expressed her concern for the traffic.

It was moved by Councilmember Dingman, seconded by Councilmember Smith, to approve the Planned Unit Development for Linden Trails Townhomes. Roll call as follows: Aye – Councilmembers Dingman, Smith, Marohn, Ehardt, Hally, Radford. Nay – none. Motion carried.

It was moved by Councilmember Dingman, seconded by Councilmember Smith, to approve the Reasoned Statement of Relevant Criteria and Standards for the Planned Unit Development for Linden Trails Townhomes, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Marohn, Dingman, Ehardt, Hally, Radford, Smith. Nay – none. Motion carried.

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There being no further business, it was moved by Councilmember Marohn, seconded by Councilmember Hally, that the meeting adjourn at 8:44 p.m. which motion passed following a unanimous vote.

s/ Kathy Hampton  
CITY CLERK

s/ Rebecca L. Noah Casper  
MAYOR